

**LAW OFFICES OF  
SANJAY CHAUBEY**

The Empire State Building  
350 Fifth Avenue, Suite 5013  
New York, NY 10118-5013

Phone: (212) 563-3223  
Fax: (212) 563-4534  
E-mail: [chaubey@aol.com](mailto:chaubey@aol.com)

February 26, 2009

**VIA ECF**

Honorable Judge Cheryl L. Pollak  
United States District Court  
Eastern District of New York  
Chambers Room 1230  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: Shukla v. Sharma et al.  
United States District Court – Eastern District of New York  
Case No. 07-CV-2972 (CBA) (CLP)**

Dear Honorable Judge Pollak:

This office represents plaintiff, Devendra Shukla in the captioned matter. This letter is the first request seeking extension of time for Plaintiff to file an opposition to Defendants' Motion to Dismiss.

Defendants were required to file Motion for Summary Judgment by December 23, 2008. On December 19, 2008 Defendants' attorney made first request seeking a brief extension of time up to January 8, 2009 for Defendants to file their Motion for Spoliation and to Dismiss, which was honorable granted by the Honorable Court.

Thereafter, Defendants' attorney made a second request on January 7, 2009 seeking another extension until January 27, 2009 to file the aforesaid motion, which was also granted by the Honorable Court.

Thereafter, a third and final request was also made by the Defendants' attorney on January 27, 2009 seeking an additional day for filing of the motion, which was also granted by the Honorable Court.

However, this office has received copy of Motion but still need to obtain copies of transcript of deposition of Plaintiff from Defendants' office on which Defendants' have heavily relied. In view of the voluminous record and contents of motion, I request an extension of time to file opposition to Defendants' Motion until April 3, 2009. I had also

contacted Mr. Dan Brecher, attorney for the Defendant for his consent to this request. Mr. Brecher has not consented but said that he will not oppose such request.

Accordingly, I request that the honorable court to grant plaintiff's first request to file opposition to defendant's motion to dismiss till April 3, 2009. If plaintiff's request is granted, I would ask that defendant's will be given until April 17, 2009 for reply; with the Court adjourning the oral argument for a date in April 2009, or such other date as the Court deems appropriate.

Your Honor's attention to this matter is greatly appreciated.

Respectfully,

/s/ Sanjay Chaubey, Esq.  
Sanjay Chaubey, Esq. (SC-3241)

CC: Dan Brecher, Esq. (via Fax: 212-808-4155)

*Plaintiff's request to  
modify the schedule  
is granted.*

*So Ordered  
CJ Pall  
usmj  
2/27/09*